

COMMENCEMENT

The meeting opened at 11.10am.

IN ATTENDANCE

Peter Tomasetti SC	Chairperson
John McInerney	Expert Member
Eugene Sarich	Expert Member
Barry Buffier	Community Representative

ALSO PRESENT

Steve Kourepis	Director, Town Planning
Michael Brewer	Town Planner
Kieran Metcalfe	Strategic Planner
Sarah Jenkins	Town Planning Coordinator

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Chair called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

- 004/24** RESOLVED on the MOTION of Peter Tomasetti SC, seconded Mr Buffier
That the Minutes of Local Planning Panel of previous Meeting held on 28/02/2024
be adopted.

GENERAL BUSINESS

- 2.1 REVIEW OF HUNTERS HILL LOCAL ENVIRONMENTAL PLAN 2012

PROCEEDINGS IN BRIEF

Ross Williams addressed the meeting and outlined his concerns regarding whether the proposal is more than just housekeeping, lack of incorporation of community concerns, garden area and tree canopy, tree protection and conservation areas. The inclusion of FSR is a positive.

Jim Sanderson addressed the meeting and is generally supportive of the amendments. However Mr Sanderson stated that more work is required particularly on excavation and the landscaped area definition.

005/24 RESOLVED on the MOTION of Peter Tomasetti SC, seconded Mr McInerney

The Panel resolved that:

1. The LPP advises Council that it supports the attached Planning Proposal being referred to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

RECORD OF VOTING	
For	Against
Chairperson Mr Peter Tomasetti SC	Mr Barry Buffier
Mr Eugene Sarich	
Mr John McInerney	

DEVELOPMENT APPLICATIONS

3.1 LOT 2, NATIONAL PARK, OFF VICTORIA ROAD, GLADESVILLE

PROCEEDINGS IN BRIEF

Mr Phillip Bradley addressed the meeting and outlined his support for a swimming area but objects to the current proposal due to lack of consultation and the remediation aspects. Mr Bradley also provided some draft recommended conditions to the Panel. Mr Chris Mutton addressed the meeting and is supportive of a swim site. However, he outlined his concerns with the lack of community consultation and the resulting disadvantage in the design to users of the site. Mr Mutton also highlighted the heritage significance of the site. Mr Mutton requested the Panel to impose additional conditions which he provided in writing.

RECOMMENDATION

That:

Development Application No. 20230141 for the construction of a swim site at Lot 2 in DP 877893 and part of the bed of the Parramatta River abutting Lot 2 DP 877893, off Victoria Road, Gladesville be determined by the grant of development consent, subject to the following conditions:

Standard Conditions

GEN 0

GEN1

GEN3:

Drawing Number/ Revision	Date	Drawn By	Title

S00 Issue F	230328	Land and Marine Engineering Consulting	General Notes and Specification
S01 Issue F	230328	Land and Marine Engineering Consulting	Specification
S02 Issue F	230328	Land and Marine Engineering Consulting	Existing Site and Demolition Plan
S03 Issue F	230328	Land and Marine Engineering Consulting	General Arrangement
S20 Issue F	230328	Land and Marine Engineering Consulting	Sections
S30 Issue F	230328	Land and Marine Engineering Consulting	Sections and Elevations
S90 Issue F	230328	Land and Marine Engineering Consulting	Seawall Plan and Details
S91 Issue F	230328	Land and Marine Engineering Consulting	Seawall Temporary Works

Document	Prepared By	Dated
Statement of Environmental Effects, Version 4	Eco-Logical Australia	10 February 2024
Marine Habitat Assessment, April 2023	Sea Dragon Diving Co.	April 2023
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Human Health Risk Assessment: Bedlam Bay Ref: SW/22/BBR001-A	En Risks	29 March 2022

GEN 5,6, 7

PCC0, 1 (\$ 1250.00)

PCC7, 15, 20, 21, 32, 67

PCW0, 1, 2, 3, 4, 5, 6

CON0, 1, 2, 4, 5, 11,70, 71,

POC0, 1, 2, 22, 24

Other specific conditions:

Vegetation Management Plan

Prior to the issue of a Construction Certificate, a Vegetation Management Plan shall be prepared by a suitably qualified professional for the development site. This plan should address weed control and landscape revegetation. Further local indigenous plantings are recommended to improve habitat connectivity as well as using a staged approach to weed removal to protect weed habitat used by small passerine birds.

Aboriginal Objects- general measures and unexpected finds

Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, Heritage NSW must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.

In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, Heritage NSW may also be contacted at this time to assist in determining appropriate management.

European Cultural Heritage

- Contractors working on the site should be given a brief heritage induction and be made aware of their obligations in regard to the statutory requirement for the work in compliance with the Bedlam Bay Archaeological and Cultural Landscape Management Plan.
- Historical materials recovered should be reused where possible.
- The sandstone retaining wall should be stabilised/ or reconstructed to ensure suitable location for fastening the swimming net and as recommended by the Bedlam Bay Archaeological and Cultural Landscape Management Plan.

Unexpected finds procedure

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery, that has not been previously assessed or is not covered by an existing approval under the Heritage Act 1977 not been previously assessed or is not covered by an existing approval under the Heritage Act 1977 (Heritage Act) or National Parks and Wildlife Act 1974 (NPW Act). These discoveries are categorised as either:

- Aboriginal objects (archaeological remains i.e.: stone tools),
- Historic (non-Aboriginal) heritage items (archaeological remains (i.e. artefacts) or movable objects),
- Human skeletal remains.

Should any unexpected historical archaeology be uncovered during any future excavation works, the following procedure must be adhered to:

- Stop all work in the immediate area of the item and notify the Project Manager.
- Establish a 'no-go zone' around the item. Use high visibility fencing, where

practical. Inform all site personnel about the no-go zone.

- No work is to be undertaken within this zone until further investigations are completed.
- Engage a suitably qualified and experienced Archaeologist to assess the finds.
- The Heritage Council must be notified if the finds are of local or state significance. Additional approvals will be required before works can recommence on site.
- If the item is assessed as not a 'relic', a 'heritage item' or an 'Aboriginal object' by the Archaeologist, work can proceed with advice provided in writing.

General Safeguards

The General Safeguards identified in Section 4 of the Statement of Environmental Effects shall be incorporated into any documentation required by this consent (such as a plan of management) where they do not conflict with any other statutory requirement or condition of this consent. Prior to the issue of a construction certificate, the applicant shall provide the PCA with a document demonstrating how these measures have been incorporated.

The following specific Conditions imposed by the National Parks and Wildlife Services:

- *No access, construction or ancillary works are permitted to land reserved under the NSW National Parks and Wildlife Act 1974 as the Parramatta River Regional Park (as Lot 2 DP877893 or Lot 876 DP811359) under this consent.*
- *Access to Parramatta River Regional Park is only permitted where it is authorised by, or under the NSW National Parks and Wildlife Act 1974. The applicant is to request access via the NPWS Manager, North Western Sydney Area via npws.northwesternsydney@environment.nsw.gov.au.*
- *No works to the sandstone seawall (retaining wall), stone steps and any ancillary construction (including demolition) is permitted under this consent if those works will directly, or indirectly affect elements on the Parramatta River Regional Park above the mean high water mark. These works can only commence once the Review of Environmental Factors: Bedlam Bay Swimming Enclosure, prepared by Ecological Australia Pty Ltd has been finalised, determined and authorised under the NSW National Parks and Wildlife Act 1974.*
- *A site-specific Construction Environment Management Plan (CEMP) must be prepared and approved prior to commencing construction works. The CEMP is to ensure sufficient environmental safeguards and measures are in place to avoid access, or damage to the Parramatta River Regional Park, ensuring the project interface is adequately managed. Consultation with the NSW National Parks and Wildlife Service is mandatory during the preparation of the CEMP as the adjoining land manager, refer to the NPWS Manager, North Western Sydney Area via npws.northwesternsydney@environment.nsw.gov.au.*
- *The CEMP shall cover, but is not limited to:*
 - a. application of hygiene protocols to minimise, and limit risk of propagule and pathogen dispersal in accordance with the Saving our Species 'Hygiene Guidelines for Wildlife' (as [Minutes of the Local Planning Panel held on 28 March 2024. This is page 5](https://www.environment.nsw.gov.au/research-</i></div><div data-bbox=)*

- and-publications/publications%20search/hygiene-guidelines.*
- b. ensure clear demarcation of the regional park gazetted boundary is in place at all times, during demolition, construction or any other works to limit the risk of encroachment, unless permitted or authorised by, or under the NSW National Parks and Wildlife Act 1974.*
 - c. regional park interface protection with the application of the Australian Standard 4970-2009 - Protection of trees on development sites and the establishment of Tree Protection Zones (TPZ) to conserve native vegetation¹ on the Parramatta River Regional Park, above the mean high tide mark. No clearing² is permitted on the regional park under this consent.*
 - d. adequate erosion and sediment controls are to be in place for works posed in the intertidal zone on the interface with the regional park, to prevent damage during access to, demolition of and construction.*
 - e. clear protocols are to be provided in the event of unexpected finds involving Aboriginal objects, and heritage items (and relics) which includes notification to Enviroline 131555, includes steps covering the immediate cessation of all works and securing of the site. Steps and triggers alerting Heritage NSW and any other relevant agencies (with provision of contact details), including the NPWS Manager, North Western Sydney Area via npws.northwesternsydney@environment.nsw.gov.au if the Aboriginal objects, heritage items are unearthed on the interface of the regional park, or are objects or items form a continuation of values which extend onto the Parramatta River Regional Park.*
 - f. clear protocols around the archiving, management, recording (including data storage) reuse or relocation of heritage values (items and relics) proposed to be modified, or those extracted, or unearthed during construction or cleaning of the river or seafloor. The protocols are to cover seawall reconstruction, and any sandstone blocks, shelter or wooden elements forming part of the former bathing precinct. As the bathing precinct (above mean high water mark) and evidence of the 1860s bathing structures retains a high significance under the Parramatta River Regional Park Plan of Management³ (NPWS 2015).*
- *A site-specific Foreshore Operational Management Plan (FOMP) is to be prepared with NSW National Parks and Wildlife Service as a key stakeholder, refer to the NPWS Manager, North Western Sydney Area via npws.northwesternsydney@environment.nsw.gov.au.*
 - *The FOMP shall cover, but is not limited to:*
 - a. foreshore management protocols, between NSW National Parks and Wildlife Service, Hunters Hill Council and Transport for NSW (Maritime) around the maintenance, monitoring, cleaning, and clearing of rubbish and marine debris to ensure appropriate management of the enclosure and its immediate surrounds occurs.*
 - b. monitoring framework around visitor use, including access and parking, post installation of the swimming enclosure to ensure the activation of the site as a recreational opportunity is managed and localised issues, constraints or any*

damage to or degradation of regional park values are managed.

- c. signage installation (location, design, content etc) and its management in accordance with actions stated in the SEE, include authorisation requirements under the NSW National Parks and Wildlife Act 1974 or Regulation.*
- d. heritage management protocols associated with the heritage items removed during construction and seafloor cleaning and their reuse, cultural landscape enhancement and interpretation. Include consultation with NSW National Parks and Wildlife Service and authorisation requirements under the NSW National Parks and Wildlife Act 1974 or Regulation if these are to be established on the Parramatta River Regional Park.*

The following General Terms of Approval to be imposed by DPI Fisheries, pursuant to s.4.47(3) of the Environmental Planning and Assessment Act 1979:

- 1. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms;*
- 2. The proponent must apply for and obtain a Part 7 permit for harm marine vegetation under the FM Act from DPI Fisheries prior to any works on site. Permit application forms are available from the DPI Fisheries website at: <https://www.dpi.nsw.gov.au/fishing/habitat/help/permit>; and*
- 3. Prior to works commencing, the proponent must prepare a comprehensive monitoring program for assessing the health of the seagrass bed in relation to potential ongoing impacts. The monitoring program must be agreed to by DPI Fisheries and include negotiated mitigation measures and offset strategies in the event that any damage to the seagrass beds can be attributed to the ongoing activities. “*

A MOTION was moved by Mr John McInerney seconded by Mr Barry Buffier that:

The matter be deferred for further Council consideration of the location of the net in the western end of the sector. In addition, a risk assessment is to be undertaken of the project.

RECORD OF VOTING	
For	Against
Mr John McInerney	Mr Peter Tomasetti SC
Mr Barry Buffier	Mr Eugene Sarich

Mr Tomasetti SC applied his casting vote as chairperson.

The MOTION was NOT CARRIED.

An AMENDMENT was moved by Mr Eugene Sarich that:

An additional condition be added to the recommendation in the report, being:

That provision be made for a historic interpretation sign for the public understanding of the heritage significance of the site.

RECORD OF VOTING	
For	Against
Mr Peter Tomasetti SC	Mr John McInerney
Mr Eugene Sarich	Mr Barry Buffier

Mr Tomasetti SC applied his casting vote as chairperson.

The AMENDMENT was CARRIED.

006/24 RESOLVED on the MOTION of Mr Tomasetti SC, seconded Mr Sarich

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		Engineering Consulting	Works
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aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms;

2. *The proponent must apply for and obtain a Part 7 permit for harm marine vegetation under the FM Act from DPI Fisheries prior to any works on site. Permit application forms are available from the DPI Fisheries website at: <https://www.dpi.nsw.gov.au/fishing/habitat/help/permit>; and*
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Additional Condition imposed by LPP

That provision be made for a historic interpretation sign for the public understanding of the heritage significance of the site.

RECORD OF VOTING	
For	Against
Mr Peter Tomasetti SC	Mr John McInerney
Mr Eugene Sarich	Mr Barry Buffier

Mr Tomasetti SC applied his casting vote as chairperson.

The MOTION was CARRIED.

The meeting closed at 1.10pm.